

RESOLUTION 2018-10
Amending resolution 2014-05
PURCHASING POLICY OF VINEYARD CITY

ARTICLE 1
GENERAL PROVISIONS

A. Purpose.

1. To ensure fair and equitable treatment of all persons who wish to or do conduct business with Vineyard City.
2. To provide for the greatest possible economy in City procurement activities.
3. To foster effective broad-based competition within the free enterprise system to ensure that the City will receive the best possible service or product at the lowest possible price.

B. Compliance.

1. This policy shall not prevent the City from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.
2. When procurement involves the expenditure of federal assistance funds, the City shall comply with applicable federal law and regulations.
3. State law (Section 11-39-101 et seq., Utah Code Annotated 1953, as amended) requires the City to follow specific bid procedures for specified types of supplies and services. Except where Vineyard Municipal Code is more restrictive, the City shall comply with State law.

C. Definitions.

1. "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.
2. "Change order" means a written order signed by the purchasing agent, directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize the purchasing agent to order without the consent of the contractor or any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.
3. "Contract" means any City agreement for the procurement or disposal of supplies, services, or construction.
4. "Invitation for bids" means all documents, whether attached or incorporated by reference, used for soliciting bids.
5. "Person" means any business, individual, union, committee, club, other organization, or group of individuals.
6. "Procurement" means buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, services, or construction.
7. "Purchasing agent" means the person duly authorized by the governing body of the City to enter into and administer contracts and make written determinations with respect thereto.

8. "Purchase description" means the words used in a solicitation to describe the supplies, services, or construction to be purchased, and includes specifications attached to or made a part of the solicitation.
9. "Request for proposals" means all documents, whether attached or incorporated by reference, used for soliciting proposals.

ARTICLE 2 PURCHASING AGENT

A. Appointment.

The governing body of the City shall appoint a Purchasing Agent

B. Responsibilities.

The Purchasing Agent shall be responsible to make procurements, solicit bids and proposals, enter into and administer contracts, and make written determinations for the City.

C. Authority.

The Purchasing Agent shall not enter into any contract or purchase anything with City funds unless it:

- a. Is funded in the current fiscal year budget;
- b. Has been approved by department head
- c. Commits funds in total amount less than \$25,000
- d. Mayor approval for purchases over \$25,000

D. Change Orders.

Change orders up to the lesser of either (10%) of the bid award amount or \$25,000 may be approved by the Purchasing Agent, as long as the overall project budget is not exceeded.

E. Delegation.

The Purchasing Agent may delegate purchasing responsibilities to other employees when deemed appropriate.

ARTICLE 3 SOURCE SELECTION AND CONTRACT FORMATION; GENERAL PROVISIONS

A. Choice of Bid Process.

Except as otherwise provided by provisions of State or Federal Law, purchases shall follow one (1) of the bid processes outlined below. The cost of the purchase shall not be divided to avoid bid requirements. Any bid alternative listed as acceptable for a given dollar amount shall be acceptable, and the City shall not incur any liability for choosing one (1) alternative over another.

1. Purchases or Contracts costing less than \$125,000 in total, shall be pursuant to one (1) of the following procedures:
 - i. State Purchasing Contract
 - ii. Formal competitive bidding.
 - iii. Request for proposals.
 - iv. Open market procedure.
2. Purchases or Contracts costing more than \$125,000 in total, shall be pursuant to one (1) of the following procedures:
 - i. State Purchasing Contract

- ii. Competitive sealed bidding.
- iii. Request for proposals.

B. Exceptions to Bid Process. The bid process requirements set forth in Article 3A do not apply in the following situations.

- 1. Purchases made through the cooperative purchasing contracts administered by the State Division of Purchasing
- 2. Purchases made from a sole source provider. When there is only one (1) vendor or supplier who can reasonably provide the needed product or service.
- 3. Auction, Bankruptcy Sales. When purchasing through Auction or Bankruptcy sales will be made at a cost below market cost.
- 4. Projects Performed by City Employees. Employees may be used to complete City projects.
- 5. Purchases required during an emergency, i.e., an eminent threat to the public's health, welfare, or safety. However, as much competition as practical should be obtained; and, such purchases should be limited to amounts necessary to the resolution of the emergency.

C. Bid Processes. The City shall substantially comply with the following guidelines for the specific bid process used:

1. Competitive Sealed Bidding.

- i. Description. Competitive sealed bidding is when vendors or contractors are invited to submit formal bids to provide a designated product or to complete a designated project in accordance with specifications provided by the City.
- ii. Public Notice Inviting Bids Issued. The City shall provide notice of its invitation for bids.
 - 1. Public Notice includes a general description of the articles to be purchased or work to be performed, location where bid blanks and specifications may be secured, and the time and place for opening bids.
 - 2. Noticing shall be done at a reasonable time prior to the time set for bid opening. Bid package shall state requirements to which bidder must respond.

iii. Bid Procedure

- 1. Sealed bids shall be submitted as designated in the Public Notice
- 2. Bids shall be opened in public at the time and place stated in the Public Notice
- 3. Bids submitted to the City shall be evaluated on the basis of compliance with specifications and other relevant criteria.

iv. Bid Award.

- 1. If the City elects to proceed with purchase or project, bids shall be awarded to the lowest responsive responsible bidder, this means a bidder who:
 - a. Has submitted bid in compliance with Public Notice

- b. Is the lowest bidder that satisfies the City's criteria relating to financial strength, past performance, integrity, and reliability?
2. Furnishes a payment and performance bond as required by law.
3. Vineyard may reject any or all bids submitted
4. If Vineyard rejects all bids but still intends to undertake purchase, Vineyard will again request sealed bids by following the procedures outlined in Section 3C-1
5. If after twice requesting Bids, Vineyard determines that no satisfactory bid has been submitted, the Council may undertake the purchase or contract as they consider appropriate.

2. Requests for Proposals.

- i. Description. Requests for proposals (RFPs) are invitations for suppliers or contractors to submit a proposal on a specific product or service. The City awards the contract for the product or services based on criteria set forth in the request for proposals.
- ii. Appropriateness. RFPs may be used when required by law, or when the Purchasing Agent determines that the use of formal competitive bidding is either impractical or not advantageous to the City. In making this determination, the Purchasing Agent shall consider factors such as:
 1. Whether there may be a need for price and service negotiation;
 2. Whether there may be a need for negotiation during performance of the contract;
 3. Whether the relative skills or expertise of the offerors will have to be evaluated;
 4. Whether cost is secondary to the characteristics of the product or service sought
 5. Whether the conditions of the service, product or delivery are unable to be sufficiently described in the invitation for bids;
 6. Whether the City is requesting the offer to propose a method or strategy for completing the project; and
 7. Whether there may be a need to negotiate completion times related to the project.

Professional services will generally be procured through the RFP procedure.

- iii. Notice.
 1. Proposals shall be solicited through a RFP.
 2. Public notice of the RFP shall be given
- iv. Request for Proposals. The RFP shall state the relative importance of price and other factors.
- v. Opening of Proposals. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation.
- vi. Revision of Proposals.
 1. As provided in the RFP, discussions may be conducted with responsible offerors who submit proposals determined to be

reasonable susceptible of being selected for award for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

2. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.
3. In conduction discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

vii. Award.

1. Award shall be made to the responsible offeror whose proposal is determined to be the most advantageous to the City.
2. Vineyard may reject any or all proposals submitted.
3. If Vineyard rejects all bids but still intends to undertake purchase, Vineyard will again Send out RFP by following the procedures outlined in Section 3C-2
4. If after twice requesting Proposals, Vineyard determines that no satisfactory Proposal has been submitted, the Council may undertake the purchase or contract as they consider appropriate.

3. Open Market Procedure

- i. Price Quotations. Purchases shall, whenever possible, be based on at least three (3) Bids (price quotations) and shall be awarded to the lowest responsible bidder.
- ii. Request for Quotations. Bids (price quotations) shall be solicited from prospective vendors by written or oral request.
- iii. Records. The person soliciting the price quotations shall keep a record of quotations solicited; including vendor names, date of solicitation and price quoted, and shall include this information with the purchase order.

ARTICLE 4 SPECIFICATIONS

All Specifications shall seek to promote overall economy and best use for the purposes intended and encourages competition in satisfying the City's needs and shall not be unduly restrictive. Where practical and reasonable, and within the scope of this article, Utah products shall be given preference.

ARTICLE 5 APPEALS

- A. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the purchasing agent. An appeal shall be submitted in writing within 5 working days after the aggrieved person knows or should have known of the facts.

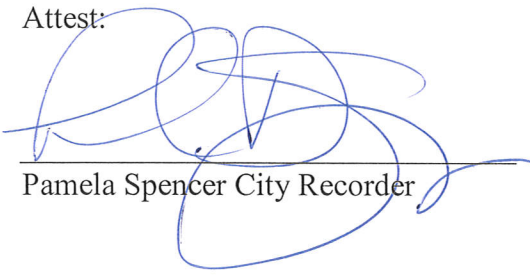
- B. The purchasing agent shall promptly issue a written decision regarding any appeal, if it is not settled by a mutual agreement. The decision shall state the reasons for the action taken and inform the protestor, contractor, or prospective contractor of the right to appeal to the governing board.
- C. The City's governing board shall be the final appeal on the City level.
- D. All further appeals shall be handled as provided in section 63-56-58 through 64 of the Utah Code.


ARTICLE 6
ETHICS IN PUBLIC CONTRACTING

- A. No person involved in making procurement decisions may have personal investments in any business entity which will create a substantial conflict between their private interests and their public duties.
- B. Any person involved in making procurement decisions is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contribution, loan, or reward, or any promise thereof, either for the person's own use or the use or benefit of any other person or organization from any person or organization interested in selling to the City.

PASSED and dated this 11th day of July, 2018

Attest:


Pamela Spencer City Recorder


Mayor Julie Fullmer



PASSAGE BY MUNICIPAL COUNCIL
ROLL CALL VOTE

RESOLUTION NO 2018-10

**AMENDING RESOLUTION 2014-05
PURCHASING POLICY OF VINEYARD CITY**

ROLL CALL VOTE:

MAYOR JULIE FULLMER
COUNCILMEMBER JOHN EARNEST
COUNCILMEMBER TYCE FLAKE
COUNCILMEMBER CHRIS JUDD
COUNCILMEMBER NATHAN RILEY

MOTION	SECOND	AYES	NAYS	ABSENT
		X		
		X		
X		X		
	X	X		
		X		
		5		

TOTALS

This Resolution was passed by the City Council of Vineyard Utah on the 11th day of
July 2018, by a roll call vote as described above.

II

MAYOR'S ACTION

Mayor's Action: X Approved Disapproved

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This Resolution was recorded in the office of the Vineyard City Recorder on the 12th day of
July, 2018

I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings
with respect to Resolution No. 2018-10

ATTEST:



Vineyard City Recorder

